

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. MARKCUS KITCHENS, JR.,

Plaintiff,

v.

**UNITED STATES MEDICAL
LICENSING EXAMINATION and
NATIONAL BOARD OF MEDICAL
EXAMINERS,**

Defendants.

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CIVIL ACTION

No. 22-3301

ORDER

AND NOW, this 19th day of January, 2023, upon consideration of Defendants National Board of Law Examiners and United States Medical Licensing Examination's Motion to Dismiss for Failure to State a Claim (ECF No. 6), Defendants' Motion for a Stay Pending a Ruling on Defendants' Motion to Dismiss (ECF No. 13), and Plaintiff's Motion for Leave to File First Amended Complaint (ECF No. 14), it is hereby **ORDERED** as follows:

1. Plaintiff's Motion for Leave to File First Amended Complaint (ECF No. 14) is **GRANTED** pursuant to Federal Rule of Civil Procedure 15(a)(2). Plaintiff's First Amended Complaint (ECF No. 15) shall be deemed filed as of January 18, 2023.
2. Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 6) is **DENIED** as **MOOT** in light of Plaintiff's Amended Complaint (ECF No. 15).
3. Defendants' Motion for a Stay Pending a Ruling on Defendants' Motion to Dismiss (ECF No. 13) is **DENIED** as **MOOT**.

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge

JUDGE JOHN MILTON YOUNGE